



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/653,425	05/24/96	MURESAN	D

DAVID MURESAN  
18204 30TH AVE NE  
SEATTLE WA 98155

LM51/0608

EXAMINER

LIANG, R

ART UNIT

PAPER NUMBER

2774

DATE MAILED: 06/08/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER OF  
PATENTS AND TRADEMARKS  
Washington, D.C. 20231

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 15

Serial Number: 08/653,425  
Filing Date: 5/24/96  
Appellant(s): Muresam, et al

**MAILED**  
**JUL 8 1998**  
**Group 2700**

EXAMINER'S ANSWER

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 5/13/98.

**(1) *Real Party in Interest.***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences.***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of claims.***

The statement of the status of claims contained in the brief is correct.

This appeal involves claim 1.

**(4) *Status of Amendments After Final.***

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on 1/14/98 has not been entered.

**(5) *Summary of invention.***

The summary of invention contained in the brief is deficient because it contains extraneous subject matter, the summary of this invention is a computer mouse has a magnet which does not touch the ball and create a force to press the ball against the X and Y coordinates.

**(6) *Issues.***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of claims.***

Appellant's brief includes a statement that claim 1 do not stand or fall together and provides reasons as set forth in 37 C.F.R. § 1.192(c)(5) and (c)(6).

**(8) *Claims appealed.***

Claim 1 contains substantial errors as presented in the Appendix to the brief. Accordingly, claim correctly written in the Appendix to the examiner's answer.

**(9) *Prior Art of record.***

5,371,516

Toyoda et al

12-1994

**(10) *New prior art.***

No new prior art has been applied in this Examiner's Answer.

**(11) *Grounds of rejection.***

The following ground(s) of rejection are applicable to the appealed claims.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda et al.

Toyoda et al discloses an input device comprising a magnet (49) which attracts a rubber magnetic core ball (8) against the X and Y coordinate shafts (20X and 20Y). Note column 11, lines 13-20. Toyoda et al, however, does not mention that the input device is a mouse. But it would have been obvious to one of ordinary skill in the art to employ the feature of using magnet and magnetic core ball in a mouse because Toyoda et al admits that is conventional for a mouse to employ a rotatably supported ball (which can be the magnetic core ball as above). Note column 1, lines 19-22.

**(12) *New ground of rejection.***

This Examiner's Answer does not contain any new ground of rejection.

**(13) *Response to argument.***

Appellants' argue that their mouse ball has 2 contacts but in Toyoda's has 3 contacts, which is not persuasive since it is not recited in appellants' claim that the ball only has two contacts. The claim does not preclude a mouse ball with a third contact. Furthermore, the claim only requires a "Mouse comprising: a magnet which attracts the rubber magnetic core ball against the X and Y coordinate shafts" which is taught by Toyoda, hence the claim is not allowable over Toyoda.


Serial No. 08/653,425  
Art Unit 2774

-4-

***Conclusion***

For the above reasons, it is believed that the Final rejection under 35 U.S.C. § 103 is proper and the Board of Patent Appeals and Interferences is therefore respectfully urged to sustained the Examiner's rejection(s).

Respectfully submitted,

  
**REGINA LIANG  
PRIMARY EXAMINER**

Serial No. 08/653,425  
Art Unit 2774

-5-

**Appendix.**

A copy of the claim involved in the appeal:

1. The Computer Mouse comprising: a magnet which attracts the rubber magnetic core ball against the X and Y coordinate shafts.